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FISCAL IMPACT REPORT

ORIGINAL DATE 3/7/07

SPONSOR Komidina LAST UPDATED _____ HB _____

SHORT TITLE Objective Teaching of Biological Origins SB SJM 9

ANALYST Wilson

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|------|-------------------------|------------------|
| FY07 | FY08 | | |
| | NFI | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY07 | FY08 | FY09 | 3 Year Total Cost | Recurring or Non-Rec | Fund Affected |
|--------------|------|-------|------|----------------------|-------------------------|------------------|
| Total | | \$0.1 | | | | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 371

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 9 is concerned with challenging the current teaching of evolutionary theory in the state's public schools. It concludes that most parents favor allowing teachers to discuss the strengths and weaknesses of evolutionary theory when biological origins are taught. The memorial criticizes state law because it does not expressly protect a teacher's right to objectively present scientific critiques of evolutionary theory nor does it assure parents that their children will be objectively informed in this area. It concludes that students' rights are not adequately protected in this area.

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The memorial requires PED to ensure that teachers have the right and freedom to objectively inform students of any scientific information that is relevant to both the strengths and weaknesses of a theory of biological origins.

The memorial further resolves that the PED be requested to ensure that teachers not be reassigned, terminated, disciplined or otherwise discriminated against for objectively informing students of scientific information relevant to both the strengths and weaknesses of a theory of biological origins.

The memorial also resolves that the PED be requested to ensure students are encouraged to critically analyze scientific information and allowed the right and freedom to reach their own conclusions about biological origins; the PED is also requested to ensure that no student is penalized for adopting a particular position on biological origins.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

The PED notes this memorial appears to seek the PED to compel school districts to permit classroom teachers to teach outside of district-approved and adopted textbooks on the topic of biological origin of life. However, compelling or permitting the teaching of religion as science implicates the Establishment Clause of the First Amendment and will result in litigation against the department under any number of legal theories.

The PED believes this memorial could cause them to be unnecessarily embroiled in the controversy that pits students, parents and educators against one another on the issue of whether the biological origin of humans must include a deity and must be so presented in public schools against the caution of established federal case law.

It is not clear if the memorial will require the PED to interfere in the current textbook adoption process and adoption cycles

Proponents of this memorial believe the following:

- Teaching some aspects of evolutionary theory causes controversy.
- Scientific theories of biological origins have implications that can challenge or support the personal religious or philosophical beliefs of students and their parents.
- Most parents favor allowing teachers to discuss both the strengths and weaknesses of evolutionary theory when biological origins are taught.
- Many credentialed scientists challenge certain aspects of evolutionary theory;
- Existing state law does not expressly protect a teacher's right to objectively present scientific critiques of evolutionary theory.

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- Existing state law does not expressly assure parents that their children will be objectively informed of
- Scientific information relevant to biological origins.
- Existing state law does not adequately protect the rights of students to subscribe to a particular position on biological origins.
- The trust that parents place in public education compels the legislature to take special interest in this area of public education;

ADMINISTRATIVE IMPLICATIONS

This memorial could be read as requiring the PED to adopt statewide rules or requiring the adoption of certain textbooks consistent with this memorial on the issue of biological origins.

RELATIONSHIP

SJM 9 relates to SB 371, School Science Contents Standards.

DW/csd